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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/774,670	02/09/2004	Andrea Finke-Anlauff	042933/273645	9433
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ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			EXAMINER DAYE, CHELCIE L	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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Office Action Summary	Application No. 10/774,670	Applicant(s) FINKE-ANLAUFF ET AL.	
	Examiner Chelcie Daye	Art Unit 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 June 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9,35-39,48 and 49 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9,35-39, and 48-49 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This action is issued in response to applicant's amendment filed on June 11, 2007.
2. Claims 1-9,35-39, and 48-49 are presented. Claims 48 and 49 are added and no claims cancelled.
3. Claims 10-34 and 40-47 remain withdrawn.
4. Claims 1-9,35-39, and 48-49 are pending.
5. Applicant's arguments filed June 11, 2007, have been fully considered but they are not persuasive.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. **Claims 1,4,5,35, and 38 are rejected under 35 U.S.C. 102(b) as being anticipated by Yang (US Patent No. 6,301,586) issued October 9, 2001.**

Regarding Claims 1 and 35, Yang discloses a computer readable storage medium having computer-readable program instructions embodied in the medium, the computer-readable program instructions configured to be executed

by a processing device to provide access to media files on a digital device, the computer-readable program instructions comprising:

a processing unit that executes computer-readable program instructions for accessing media files (columns 4-5, lines 55-67 and 1-12, respectively, Yang);

first instructions for generating a media view that provides access to at least one digital media file and associates the at least one digital media file with a period of time (Fig. 6; column 5, lines 43-48, Yang);

second instructions for generating media file representations within the media view such that the media file representations associated with a period of time are enlarged media file representations when the period of time is proximate a predefined position within the media view (Figs. 7,8,&26; column 12, lines 35-52, column 14, lines 45-51, and column 21, lines 33-46, Yang); and

a display in communication with the processing unit that presents the media view (column 4, lines 36-41, Yang).

Regarding Claims 4 and 38, Yang discloses the computer readable storage medium further comprising third instructions for displaying a selected media file representation from the media view in "pop-up" view format (columns 22-23, lines 66-67 and 1-11, respectively, Yang).

Regarding Claim 5, Yang discloses the computer readable storage medium wherein the third instructions are further defined as displaying a selected media file representation from the media view in "pop-up" view format, wherein the "pop-up" view format exceeds the size of all other media file representations within the media view (column 23, lines 29-31, Yang).

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 2-3,6-9,36-37, and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yang (US Patent No. 6,301,586) filed October 6, 1997, in view of Hayashi (US Patent Application No. 20020054157) filed April 27, 2001.**

Regarding Claims 2 and 36, Yang discloses all of the claimed subject matter as stated above. However, Yang is silent with respect to the media file representations associated with a period of time proximate a vertical centerline of the media view are enlarged media file representations. On the other hand, Hayashi discloses the media file representations associated with a period of time proximate a vertical centerline of the media view are enlarged media file representations (Figs. 37-39; [0267-0269], Hayashi). Yang and Hayashi are

analogous art because they are from the same field of endeavor of management of multimedia objects together with software tools. It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate Hayashi's teachings into the Yang system. A skilled artisan would have been motivated to combine as suggested by Hayashi at [0002-0004], in order to provide a system to quickly process displays. As a result, allowing the images within the display to operate more quickly and efficiently.

Regarding Claims 3 and 37, the combination of Yang in view of Hayashi, disclose the computer readable storage medium wherein the second instructions are further defined as generating media file representations within the media view such that media file representations gradually decrease in size the further that an associated period of time deviates from the predefined position ([0249-0251], Hayashi).

Regarding Claim 6, the combination of Yang in view of Hayashi, disclose the computer readable storage medium wherein the third instructions are further defined as displaying a selected media file representation from the media view in "pop-up" view format, wherein the selected media file representation is chosen from the media file representations associated with the period of time proximate to the predefined position (Abstract, Hayashi).

Regarding Claims 7 and 39, the combination of Yang in view of Hayashi, disclose the computer readable storage medium wherein the second instructions further provide for generating media file representations within the media view such that the media file representation associated with a period of time proximate a predefined position of the media view and proximate the center point of the predefined position is an enlarged media file representations in comparison to other media file representations in the time period proximate the predefined position (Figs. 37-39; [0267-0269], Hayashi).

Regarding Claim 8, the combination of Yang in view of Hayashi, disclose the computer readable storage medium wherein the second instructions further provide for generating media file representations within the media view such that the media file representation associated with a time period proximate to the vertical centerline and proximate to a center point within the time period is an enlarged media file representation in comparison to other media file representations in the time period proximate the predefined position (Figs. 37-39; [0267-0269], Hayashi).

Regarding Claim 9, the combination of Yang in view of Hayashi, disclose the computer readable storage medium wherein the second instructions further provide for generating media file representations within the media view such that the media file representations associated with a time period proximate to the

vertical centerline decrease in size the further that a media file representation deviates from the center point ([0249-0251], Hayashi).

Response to Arguments

Applicant argues, Yang does not teach the newly amended limitation "displaying an enlarged media file representation when the media file is associated with a period of time that is located in the media view proximate to a predefined position in the media view".

Examiner respectfully disagrees. As stated in the action above, Yang discloses at Figs. 7&8 and column 12, lines 26-52, wherein *"All of the existing albums will be listed in the vertical menu 146. The first vertical menu is "All Albums Info" menu. Each icon (or button) in menu 146 corresponds to a collection of albums. By clicking "All Albums Info" menu, the user can view information about the collection such as album names, collection names, description about the albums, date/time created, date/time modified...The remainder of the vertical menu represents the collections created by the user. By clicking any of the vertical menus, the user can view all of the albums created under each of the collections. Each album is represented by a double clickable icon such as icon 147...By single clicking the album icon, the user can preview the currently selected album. The user can open the selected album by double clicking the album icon button as shown at 148 in FIG. 7. Once the album is opened, the user can view the album in three different views as shown in FIG. 8: Thumbnail view, Notebook view, and Spreadsheet view. Each view is discussed below in Sections 3.3.2, 3.3.3, and 3.3.4".* The albums being listed within the vertical menu and the user being able to double click the album in order to open the needed album, once the album is open the user can choose

a view in order to preview the album. One of the different view options is the "Notebook" view, which provides a larger view of the album. Further, Fig.26 and column 14, lines 45-51 disclose an "Album Slide Show" which allows a user to view the album contents in terms of a slideshow with different control options. One of the control options being a selectable re-sizing image. As such, when the user opts to demonstrate an album slideshow the images with the date/time information will sequentially pop-up on the screen and since the user has the option of choosing the number of images per page (1-4 per page), if the user chooses one image per page, than the image is an enlarged version of the default image (i.e. thumbnail view). For more information on the different number of images per page see columns 15-16, lines 30-67 and 1-67, respectively. Lastly, column 21, lines further details the "Notebook" view and its size and association in relation to the "Thumbnail" view, which is the default album view (see columns 22-23, lines 60-67 and 1-31, respectively).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action.

Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

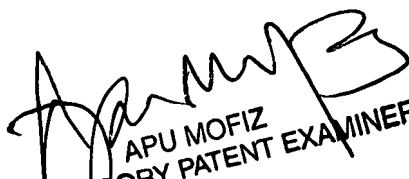
Points of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chelcie Daye whose telephone number is 571-272-3891. The examiner can normally be reached on M-F, 7:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on 571-272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Chelcie Daye
Patent Examiner
Technology Center 2100
July 16, 2007


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SUPERVISORY PATENT EXAMINER